

Justification for Other Than Full and Open Competition

U.S. Department of Housing
and Urban Development
Office of the Chief Procurement Officer

PART 1 - PROGRAM OFFICE RECOMMENDATION

I recommend the use of other than full and open competition for the acquisition of [describe services or supplies]

Loan Limit Data by County (Median Home Price Data based on County Recorder Data Required for FHA Loan Limits)

Negotiations should be conducted with the following source(s) only [provide names, addresses and points of contact; continue on separate sheets as needed]:

First American CoreLogic Corporation
The First American Corporation
1 First American Way
Santa Ana, California 92707
Toll Free: 1.800.854.3643
Local: 1.714.250.3000
www.firstam.com
New York to Washington DC Corridor
Connie Keim
Vice President, NY-DC Corridor
and Manhattan North
First American CoreLogic LoanPerformance
Office: 973-226-0084
Cell: 917-880-9352
Fax: 973-226-8808

The estimated cost of this acquisition is: \$ 100,000

The statutory exception which allows this use of other than full and open competition is [select one]:

- ☒ Only one responsible source and no other supplies or services will satisfy agency requirements - 41 USC 253 (c)(1) (see FAR 6.302-1)
- ☒ Unusual and compelling urgency - 41 USC 253 (c)(2) (see FAR 6.302-2)
- ☐ Industrial mobilization; engineering, developmental or research capability; or expert services - 41 USC 253 (c)(3) (see FAR 6.302-3)
- ☐ Authorized or required by statute - 41 USC 253 (c)(5) (see FAR 6.302-5)
- ☐ Public interest (NOTE: requires Secretarial approval and Congressional Notification) - 41 USC 253 (c)(7) (see FAR 6.302-7)
- ☒ A description of the circumstances which support the use of the above statutory authority is attached and included as Exhibit 1 to this justification.

Program Office Certification. I certify that the information contained in this justification is accurate and complete to the best my knowledge and belief.

Head of Program Office [name]

Chuck Capone

Signature:

Title/Name of Office:

Office of Evaluation, DAS for Finance and Budge, HEW

Date:

9/15/07

For additional information contact:

Jerry Fasick, 202 - 402-7540
(GTM) JWF

PART 2 - CONTRACTING OFFICER REVIEW AND CERTIFICATION

Provide additional justification and comments here. Continue on back as needed.

Contracting Officer Certification.

I certify that the information contained in this justification is accurate and complete to the best of my knowledge and belief

Name:

Signature:

Date:

Previous edition unusable

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form HUD-24012 (5/2007)

PART 3 - OTHER APPROVALS

Up to \$550,000 - Contracting Officer

Name <i>Tanya Latsen</i>	Title <i>Contracting Officer</i>
Signature <i>Tanya Latsen</i>	Date <i>9/30/2009</i>

\$550,000 to \$11,500,000 - Competition Advocate

Name	Title
Signature	Date

\$11,500,000 to \$57,000,000 - Head of the Contracting Activity

Name	Title
Signature	Date

Over \$57,000,000 - Senior Procurement Executive

Name	Title
Signature	Date

Additional Contracting Officer justification/comments from front [attach additional pages if needed]

Additional Guidance for Completing the Justification
(see HUD Handbook 2210.3, Chapter 4)

1. PART 1 - Program Office Recommendation

The supporting documentation in the Exhibit 1 must describe:

- " The nature of the proposed acquisition that requires other than full and open competition;
- " The unique qualifications of any proposed sole source; and
- " The market research conducted (see FAR Part 10) and the results or the reason(s) why market research was not conducted.

The cost estimate must include all costs of the proposed acquisition, e.g., options, systems life costs, etc. The total will determine the approval level needed (see 3 below).

FAR Subpart 6.3 describes the statutory exceptions, their applicability and limitations on their use.

"Head of the Program Office" means:

- For all Headquarters acquisitions: the cognizant Assistant Secretary or designee.
- For field acquisitions: the program office director (e.g., Director, Multifamily Housing) within the State or Area Office or the Director of the Administrative Service Center for Administration-initiated acquisitions.

PART 2 - Contracting Officer Review and Certification

Besides any information provided to support the program office's justification, the Contracting Officer shall provide:

- Documented results of any Commerce Business Daily notices or explanation of why no notice was published.
- A statement of actions the Department may take to remove barriers to competition for subsequent acquisitions of similar services / supplies; and
- A determination that the anticipated cost / price is fair and reasonable. (See FAR Subpart 6.3 for further guidance.)

The Contracting Officer signing the certification shall be the same individual who will sign the proposed acquisition action which is the subject of this justification.

PART 3 - Other Approvals

The Contracting Officer shall obtain the approval for the dollar value ranges indicated.

If any person required to sign in these blocks disapproves this justification, he/she shall return it to the requesting activity with a written determination.

The requesting activity may obtain the name of the "Contracting Activity Competition Advocate" from the cognizant contracting office.

The "Head of Contracting Activity" is defined at Subpart 2402.1 of the HUD Acquisition Regulation (48 CFR Chapter 24). The cognizant contracting office may also provide the name of this individual.

Department of Housing and Urban Development

Washington, DC 20410/Office of the Chief Procurement Officer

Determination and Findings

Order C-OPC-23522 will be issued to First American CoreLogic Holdings, Inc. on a sole-source basis in accordance to FAR 6.302-1.

Description of Services: The work under this contract is seeking contractor assistance to provide Loan Limit Data by County (Median Home Price Data based on County Recorder Data required for FHA Loan Limits). HUD will gain access to this data by purchasing a 12 month subscription to two of the contractor's databases (HPI and Market Trends), and by obtaining three downloads of required statistical data over a 12 month period.

Description of Required Services to meet HUD's Requirements: By law, HUD must set FHA single-family loan limits at the county level or at the Metropolitan Statistical Area (MSA) level when multiple counties are defined by the Office of Management and Budget as such an Area. In setting loan limits under the ESA, HUD relied upon multiple sources of information: county property-deed records, National Association of Realtor MSA-level median prices, data gathered from local realtor boards and multiple listing services, and American Community Survey (ACS) and decennial Census data on median house values. HUD also used a new house price index created by the Federal Housing Finance Agency (FHFA, formerly, OFHEO) for non-metropolitan areas in each state. That index was used to update median values from the ACS and decennial Census so that they were representative of the look-back period used for more contemporaneous data sources.

Under the Homeownership and Economic Recovery Act of 2008 (HERA), FHA loan limit determination will continue to require the same procedures as have been used in the past. Loan limit determination for Fannie Mae and Freddie Mac are now, under HERA, permanently determined on the county-by-county basis required for 2008 under the ESA. HUD and the FHFA desire to calculate loan limits from a uniform set of underlying median price data.

Background In order to continue using the methodology developed for FHA loan-limit determination under the Economic Stimulus Act of 2008 (ESA), HUD requires that it have a regular and reliable source of county-level median price data. Specifically, HUD would like to base loan limits on median prices that reflect comprehensive property purchase data available through county deed recordation records, where that data is available, and throughout the country.

Attachments: Please see Limited Source Justification, HUD-24013, and SOW.

Agency: US Department of Housing and Urban Development, (HUD)

Best Value Determination for the additional 6 month extension: In accordance with FAR 6.302-1, This service required by HUD is available from only one source. No other type of service would satisfy the agency's requirements, therefore, full and open competition need not be provided for. For these reasons, the aforementioned is supported by the price/cost analysis that compares the cost of current and historical costs (for similar services) and evaluating all individual cost elements of the Contractor's cost proposal to determine price reasonableness.

Price Analysis/Price Reasonable Determination summary results are indicated below:

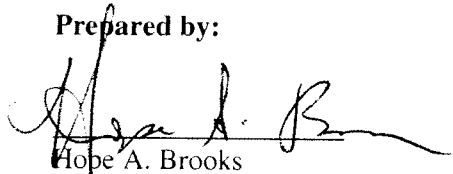
CLIN 2 Support Service Center	Government Cost Estimate	Contractor's <u>Proposed</u> Cost	<u>Gov't Cost Objective</u>	<u>Final</u> Negotiated Cost
Total	\$100,000.00	\$100,000.00	\$ 100,000.00	\$100,000.00

Evaluation of the total Government Cost Estimate and the total Government Cost Objective for similar services conclude that the Contractor's Proposed and Final Negotiated was the same as the Government Cost Objective. The contractor provided supporting documents to substantiate the proposed cost. Additionally, the Government Technical Representative and the Program office concur that the final cost for this service is necessary and appropriate for effective contract completion. Based on the aforementioned, the final negotiated cost is considered fair and reasonable and represents the best value to the Government.

Market Research: First American CoreLogic (FACL) collects and maintains the largest repository of recorded property sales transactions collected from the 2100 most highly populated counties in the US. Those 2100 counties represent 90% of the recorded transactions in the country. During the course of this acquisition effort, it was discovered that only one company was the source of the comprehensive data. Third party vendors were not permitted by the Sales and Licensing Agreement with First American to resell this data.

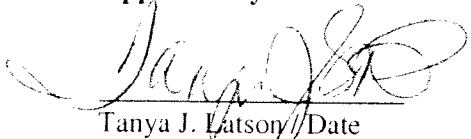
Contracting Officer's Certification: To the best of my knowledge and belief, the subject justification is accurate and complete.

Prepared by:



Hope A. Brooks
Contract Specialist
Office of the Chief Procurement Officer
Department of Housing and Urban Development

Approved by:



Tanya J. Latsory//Date
Contracting Officer
Office of the Chief Procurement Officer
Department of Housing and Urban Development